

PROB 12C
(7.93)

Report Date: November 15, 2010

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 16 2010

JAMES R. LARSEN, DEPUTY
SPOKANE, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Nobel James Kelly

Case Number: 2:03CR00066-001

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable William Fremming Nielsen, Senior U.S. District Judge

Date of Original Sentence: 01/15/2004

Original Offense: Possession With Intent to Distribute Over 5 Grams of Cocaine Base, 21 U.S.C. § 841(a)(1)

Original Sentence: Prison - 120 months; TSR - 48 Type of Supervision: Supervised Release months

Asst. U.S. Attorney: Thomas O. Rice Date Supervision Commenced: 07/26/2010

Defense Attorney: Kimberly A. Deater Date Supervision Expires: 07/25/2014

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on October 26, 2010, also to issue a warrant.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

3 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: Mr. Kelly was arrested on November 13, 2010, for criminal trespass second degree.

According to police report # 10-375821, Mr. Kelly entered a store and purchased beer, he then stayed in the parking lot and consumed the beer. He began demanding the store sell him more beer and the police were called. Mr. Kelly refused to leave and told the officer he "was not going away".

4 **Standard Condition # 6:** The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

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Supporting Evidence: Mr Kelly failed to notify the probation officer prior to leaving his last reported address.

On November 3, 2010, Mr. Kelly was ordered by the Court to remain at the Carlyle Care Center, or another residence approved by the probation office. On November 13, 2010, the undersigned officer was notified by the staff at the Carlyle Care Center that Mr. Kelly had left and did not return as scheduled.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 11/15/2010

s/Samuel Najera

Samuel Najera
U.S. Probation Officer

THE COURT ORDERS

- No Action
- The Issuance of a Warrant
- The Issuance of a Summons
- The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- Other

Samuel Najera

Signature of Judicial Officer

Nov 16 2010

Date